

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SECOND DAY (CONTINUED) — WEDNESDAY, APRIL 12, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 169).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent — Seidlits; Thompson.

The invocation was offered by Chris Swinford, son of Representative Swinford and minister of the Third and Kilgore Church of Christ, Portales, New Mexico.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

SB 25, SB 97, SB 222, SB 253, SB 315, SB 584, SCR 116, SCR 118, SCR 121

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 39 by Brown, relating to the making of a statement to a court and to the defendant by a victim of a criminal offense or the victim's relative or guardian.

SB 130 by West, Royce, relating to creating the offense of transferring a handgun to a person who is the subject of a protective order and including in the law enforcement information system maintained by the Department of Public Safety information relating to protective orders.

SB 132 by West, Royce, relating to the granting of pawnshop licenses and to public notification of an application for a pawnshop license in certain counties.

SB 341 by Armbrister, relating to indemnification in certain construction contracts.

SB 570 by Moncrief, relating to the confidentiality of complaint information in the possession of the Health Professions Council.

SB 642 by Montford, relating to the appraisal of property for ad valorem taxation and the assessment and collection of ad valorem taxes.

SB 643 by Montford, relating to the administration, imposition, collection, and enforcement of mixed beverage taxes.

SB 964 by Harris, Chris, relating to the regulation of driver training; providing a penalty.

SB 1014 by Gallegos, relating to promotional systems in certain police departments.

SB 1298 by Cain, Turner, Jim, and Sibley, relating to the transfer of the Baylor College of Dentistry to The A&M University System.

SB 1299 by Cain, Ratliff, and Turner, Jim, relating to abolition of the board of regents of East Texas State University and the transfer of the institutions under that board to The Texas A&M University System.

SB 1379 by Wentworth, relating to prosecutor assistance by the Office of the Attorney General of Texas; making an appropriation.

SB 1384 by Wentworth, relating to the recusal of judges on the supreme court.

SB 1446 by Brown, relating to the regulation of certain motor vehicle dealers and to the sale, titling, and registration of certain motor vehicles.

SCR 123 by Madla, requesting Senate Bill No. 821 be returned to the Senate....

HCR 162 by Craddick, honoring Dorothy and Clarence Scharbauer, Jr....

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. John Weaver of Blanco as the "Doctor for the Day."

The house welcomed Dr. Weaver and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Swinford in the chair)

(Speaker in the chair)

HR 594 - ADOPTED

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 594**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dukes,

HR 594, Congratulating Kellye Amason on being crowned Miss Austin for 1995.

The resolution was adopted without objection.

HR 573 - ADOPTED

Representative Hightower moved to suspend all necessary rules to take up and consider at this time **HR 573**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Hightower,

HR 573, Honoring Betty Tackett on the occasion of her retirement as Walker County district clerk.

(Thompson now present)

The resolution was adopted without objection.

HR 529 - ADOPTED

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 529**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dukes, et al.,

HR 529, Commending the volunteers of Christopher House.

The resolution was adopted without objection.

HR 596 - ADOPTED

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 596**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By J. Jones,

HR 596, Honoring Ken Molberg.

The resolution was adopted without objection.

HR 593 - ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 593**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Naishtat,

HR 593, Declaring certain exchange students from the University of Guanajuato in Mexico to be honorary citizens of Texas.

The resolution was adopted without objection.

HR 582 - ADOPTED

Representative Williamson moved to suspend all necessary rules to take up and consider at this time **HR 582**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Williamson,

HR 582, Recognizing April 12, 1995, as Wise County Day.

The resolution was read and was adopted without objection.

On motion of Representative Wilson, the names of all the members of the house were added to **HR 582** as signers thereof.

HR 588 - ADOPTED

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 588**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Alonzo and Berlanga,

HR 588, Honoring Dr. Robert E. Witt.

The resolution was adopted without objection.

HR 590 - ADOPTED

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 590**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson,

HR 590, Commending the sponsor of, and participants in, the EnviroKids program.

The resolution was read and was adopted without objection.

HR 589 - ADOPTED

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 589**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson,

HR 589, Recognizing April 12, 1995, as Shelby County Day at the Capitol.

The resolution was read and was adopted without objection.

HR 565 - ADOPTED

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 565**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Goolsby,

HR 565, Congratulating the Honorable William P. Clements, Jr., on his birthday.

The resolution was read and was adopted without objection.

HR 591 - ADOPTED

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 591**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Coleman,

HR 591, Honoring Reverend Elbert Curvey, Jr., and commemorating April 9, 1995, as Curvey Family Day.

The resolution was adopted without objection.

HR 598 - ADOPTED

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 598**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dutton,

HR 598, Honoring Frankie Renee Jordan on her 78th birthday.

The resolution was adopted without objection.

SCR 123 - ADOPTED
(Gallego - House Sponsor)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **SCR 123**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 123

WHEREAS, Senate Bill No. 821 has passed the Texas Senate and the Texas House of Representatives and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the senate and the house of representatives is necessary; now, therefore, be it

RESOLVED by the 74th Legislature, That the governor be hereby requested to return Senate Bill No. 821 to the senate for further consideration; and, be it further

RESOLVED, That the action of the President of the Senate and the Speaker of the House in signing Senate Bill No. 821 be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

The resolution was adopted without objection.

HB 958 - ORDERED NOT PRINTED

Representative Black moved to suspend House Rule 12, Section 1(a)(1)(A), to not print the committee report on **HB 958**.

The motion prevailed without objection.

CSHB 1085 - VOTE RECONSIDERED

Representative Reyna moved to reconsider the vote by which **CSHB 1085** was postponed on Tuesday, April 11.

The motion to reconsider prevailed.

CSHB 1085 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1085**.

CSHB 1085, A bill to be entitled An Act relating to the authority of counties to contract with private entities for the collection of child support.

Amendment No. 1

On behalf of Representative Puente, Representative Goodman offered the following amendment to **CSHB 1085**:

Amend **CSHB 1085** (1st Printing) as follows:

(1) On page 2, line 3, after the semicolon, insert "or".

(2) On page 2, strike lines 4-8 and substitute the following:

"(7) provide another child support enforcement service authorized by the commissioners court."

- (3) On page 2, line 10, strike "may" and substitute "shall".
- (4) On page 3, line 9, between "suit" and "affecting", insert "for dissolution of a marriage that includes a suit".
- (5) On page 3, line 12, after "fee", insert "not to exceed \$10 per month".
- (6) On page 3, line 15, between "a" and "late", insert "reasonable".
- (7) On page 3, strike line 17 and substitute the following:
"(4) accept or receive funds from public grants or"
- (8) On page 3, line 19, after the semicolon, insert "or".
- (9) On page 3, strike lines 20-22 and substitute the following:
"(5) use any combination of the funding sources specified by this subsection."
- (10) On page 3, between lines 22 and 23, insert the following:
"(b) The commissioners court may not charge a fee under Subsection (a)(1) if the person to be charged has already been charged a fee under Section 151.008(a)(1)."
- (11) On page 3, line 23, strike "(b)" and substitute "(c)".
- (12) On page 4, line 1, strike "(c)" and substitute "(d)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Van de Putte offered the following amendment to **CSHB 1085**:

Amend **CSHB 1085** by adding the following appropriately numbered section of the bill and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 151.0036(b), Tax Code, is amended to read as follows:

- (b) "Debt collection service" does not include;
- (1) the collection of a judgment by an attorney or by a partnership or professional corporation of attorneys if the attorney, partnership, or corporation represented the person in the suit from which the judgment arose;
or
- (2) the collection of court-ordered child support by a private entity authorized to collect child support under Chapter 153, Human Resources Code.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Rhodes offered the following amendment to **CSHB 1085**:

Amend **CSHB 1085**, 1st printing by striking paragraph (2) of Section 153.003(a) and renumbering paragraphs accordingly.

(Seidlits now present)

Representative Reyna moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Thompson offered the following amendment to **CSHB 1085**:

Amend **CSHB 1085** (1st printing) by adding the following section and renumbering any subsequent sections:

SECTION _____. Section 154.242(b), Family Code, as added by **HB 655** Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

(b) A local registry may transmit child support payments to the Title IV-D agency by electronic funds transfer if the Title IV-D agency agrees to accept electronic payment. A local registry in a county that makes deposits into personal bank accounts by electronic funds transfer as of April, 1995, shall transmit a child support payment to an obligee by electronic funds transfer if the obligee maintains a bank account.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Thompson offered the following amendment to **CSHB 1085**:

Amend **CSHB 1085** by adding the following appropriately numbered section to the bill to read as follows:

SECTION _____. Amend Section 14.0502(b), Family Code, to read as follows:

(b) A local registry may transmit child support payments to the attorney general by electronic funds transfer if the attorney general agrees to accept electronic payment. An obligor may make payments, with the approval of the judge, directly to the bank account of the obligee by electronic transfer and provide verification of the deposit to the local registry.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Rusling offered the following amendment to **CSHB 1085**:

Amend **CSHB 1085** as follows:

(1) On page 3, line 1, strike "and".

(2) On page 3, line 4, strike the period and substitute "; and".

(3) On page 3, between lines 4-5, insert the following:

(7) provisions for the option of a payee to waive the monitoring procedure by written request.

Amendment No. 6 was adopted without objection.

CSHB 1085, as amended, was passed to engrossment. (Cook recorded voting no)

HJR 31 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HJR 31**.

CSHJR 31, A joint resolution proposing a constitutional amendment authorizing the exemption from ad valorem taxation of income-producing personal property and mineral interests having a value insufficient to recover the tax administrative costs.

A record vote was requested.

CSHJR 31 was read second time and was adopted by (Record 170): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Hirschi; Rodriguez.

HB 971 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 971**.

CSHB 971, A bill to be entitled An Act relating to health care liability claims.

CSHB 971 was read second time.

Amendment No. 1

Representative Shields offered the following amendment to **CSHB 971**:

Amend **CSHB 971** (1st Committee Printing) on page 2, by striking lines 9-14, and substituting "physician or health care provider, shall enter an order that the action be dismissed for want of prosecution".

Representative T. Hunter moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Shields offered the following amendment to **CSHB 971**:

Amend **CSHB 971** (1st Committee Printing) as follows:

- (1) On page 6, line 2, strike "not".
- (2) On page 6, line 3, strike "shall not" and substitute "may".
- (3) On page 6, line 5, strike "shall not" and substitute "may".

Representative T. Hunter moved to table Amendment No. 2.

The motion to table prevailed.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

SCR 123

CSHB 971 - (consideration continued)

Amendment No. 3

Representative Shields offered the following amendment to **CSHB 971**:

Amend **CSHB 971** (1st Committee Printing) as follows:

- (1) On page 7, strike lines 5-10.
- (2) On page 7, line 11, strike "(p)" and substitute "(o)".
- (3) On page 7, line 14, strike "(q)" and substitute "(p)".
- (4) On page 7, strike 19, strike "(r)" and substitute "(q)".
- (5) On page 6, line 10, strike "Subsection (r)(6)" and substitute "Subsection (q)(6)".

Representative T. Hunter moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Shields offered the following amendment to **CSHB 971**:

Amend **CSHB 971** (1st Committee Printing) on page 10, line 15, by striking "21st" and substituting "30th".

Representative T. Hunter moved to table Amendment No. 4.

The motion to table prevailed.

CSHB 971 was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Economic Development, Subcommittee on **HB 1714**, on adjournment Tuesday, April 18, Desk 19, to consider an amendment by Representative Van de Putte.

Public Safety, Subcommittee on **HB 620**, on recess today, Desk 33, to consider **HB 620**.

Appropriations, on second adjournment today, Appropriations Committee room.

RECESS

Representative Junell moved that the house recess until 1:15 p.m.

The motion prevailed without objection.

The house accordingly, at 12:11 p.m., recessed until 1:15 p.m.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

HB 585 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 585**.

CSHB 585, A bill to be entitled An Act relating to hospital staff privileges for physicians, podiatrists, and dentists.

CSHB 585 was read second time.

Representative Harris moved to postpone consideration of **CSHB 585** until 10 a.m. Wednesday, April 19.

The motion prevailed without objection.

HB 2265 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2265, A bill to be entitled An Act relating to collection of judgments, fines, forfeitures, and penalties collected by district, county, and precinct officers.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hamric, Representative Hilbert offered the following committee amendment to the bill:

Amend **HB 2265** as follows:

1. On page 3, line 17, after the word "treasurer", strike "." and add ", or another district, county or precinct officer collecting a fee, commission, judgement, fine, forfeiture, penalty, court costs, or other charges on behalf of another county precinct officer."

Amendment No. 1 was adopted without objection.

HB 2265, as amended, was passed to engrossment.

HB 1084 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1084**.

CSHB 1084, A bill to be entitled An Act relating to disclosure to the Texas Department of Health and local health authorities of veterinarian records necessary to rabies and zoonosis control.

CSHB 1084 was read second time.

Amendment No. 1

Representative Hilbert offered the following amendment to **CSHB 1084**:

Amend **CSHB 1084** as follows:

(1) On page 4, between lines 2 and 3, add new subsections (i), (j), and (k) to read as follows:

"(i) A local health authority may not use the information obtained under this section to contact the veterinarian's client for the purpose of collecting a registration or license fee as authorized under Section 826.031, Health and Safety Code.

(j) Notwithstanding any other statute to the contrary, nothing shall prohibit a municipality or county which requires the registration of dogs and cats in their jurisdiction from passing an ordinance or rule that requires a veterinarian to post a sign in their place of business that informs owners of dogs or cats that the animal is required to be registered.

(k) The standards relating to content, placement, and size of the sign as permitted by subsection (j) shall be prescribed by the board."

Amendment No. 1 was adopted without objection.

CSHB 1084, as amended, was passed to engrossment.

HB 1531 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1531**.

CSHB 1531, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Hamshire Municipal Utility District.

CSHB 1531 was read second time and was passed to engrossment.

HB 552 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 552, A bill to be entitled An Act relating to peace officers of hospitals in certain municipalities.

The bill was read second time.

(Speaker pro tempore in the chair)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Edwards, Representative B. Hunter offered the following committee amendment to the bill:

Amend **HB 552** as follows:

On page 1, line 8, strike "50,000" and substitute "45,000".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hamric offered the following amendment to the bill:

Amend **HB 552**, SECTION 2, as follows:

1. Strike "and" from line 4, page 5.

2. Strike the period at the end of line 6, page 5, and substitute the following: "; and"

3. Add a new subdivision (30) to Article 2.12, Code of Criminal Procedure, to read as follows:

(30) investigators employed in the office of a county medical examiner.

Representative Berlanga raised a point of order against further consideration of Amendment No. 2 on the grounds that Amendment No. 2 violates Rule 11, Section 2, of the House Rules.

The speaker pro tempore sustained the point of order.

HB 552, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HB 839 by Denny, Madden, McCall, Driver, et al. (Sponsor-Brown), relating to imposing a limitation on the amount of special expenses that certain municipalities may retain from amounts collected in certain court proceedings.

HB 988 by Maxey, Danburg, Clemons, Hilderbran, and Coleman (Sponsor-Gallegos), relating to home collection kits for human immunodeficiency virus infection testing; providing penalties (amended).

Local and Uncontested Bills

HB 305 by Park (Sponsor-Harris, Chris), relating to the authority of local governments to enter into contracts with other governmental entities for purchases of goods and services.

HB 582 by Greenberg, Hochberg, Naishtat, et al. (Sponsor-Rosson), relating to the date for holding a political party's county and senatorial district conventions.

SCR 88 by Cain, expressing support for the study and evaluation of an integrated treatment approach for persons with a co-occurring substance addiction and mental illness.

SB 493 by Bivins, relating to certain intoxication offenses; providing for the enhancement of penalties.

SB 519 by Madla, relating to peer assistance and reporting programs for students enrolled in certain professional educational programs.

SB 525 by Lucio, relating to the purchase of agricultural products by a public institution of higher education.

SB 548 by Madla, relating to the regulation of podiatry.

SB 686 by Cain, relating to the administration of the alcoholic beverage tax stamp program.

SB 714 by Cain, relating to national fraternal organizations exempt from certain requirements of the Alcoholic Beverage Code.

SB 717 by Patterson, Jerry, relating to the authority of a county judge in counties with a population greater than 2,400,000 to delegate certain responsibilities.

SB 792 by Harris, Chris, relating to certain contracts of the Trinity River Authority.

SB 892 by Patterson, Jerry, relating to the sale of certain park land by certain municipalities.

SB 904 by Henderson, relating to the eligibility of certain fire and police departments to participate in the Texas Municipal Retirement System.

SB 916 by Wentworth, relating to the Comal County Juvenile Board.

SB 936 by Bivins, relating to issuance of a marriage license.

SB 1037 by Leedom, relating to the custodians of local government and state agency funds.

SB 1046 by Nelson, relating to the electronic availability of the Texas Administrative Code.

SB 1067 by Whitmire, relating to assignment pay for police officers in certain municipalities.

SB 1096 by Zaffirini, et al., relating to certain health care service a county may provide under the Indigent Health Care and Treatment Act.

SB 1102 by Henderson relating to the appointment of probate masters for certain courts.

SB 1150 by Shapiro, relating to continuing education of insurance adjusters by reciprocity.

SB 1154 by Ratliff, relating to the conditional grant program of the Texas Department of Transportation.

SB 1171 by Lucio, relating to the district courts in Cameron, Hidalgo, and Willacy counties.

SB 1177 Armbrister, relating to filings made with the secretary of state by public safety organizations, public safety publications, and certain independent promoters.

SB 1178 by Armbrister, relating to the regulation of athlete agents and providing for the issuance of subpoenas and other process in investigations by the secretary of state.

SB 1179 by Armbrister, relating to veterans organizations filing with the secretary of state.

SB 1229 by Zaffirini, et al., relating to the Maternal and Infant Health Improvement Act and to the development of a perinatal health care system.

SB 1329 by Nelson, relating to the use of impact fees by a municipality.

SB 1412 by Harris, Chris, relating to assessments for municipal street improvements based on the amount of special benefits received.

SB 1413 by Harris, Chris, relating to the determination of the market value of property for purposes of appraisal of property for ad valorem taxation.

SB 1437 by Harris, Chris, relating to the county registration of dogs.

SB 1438 by Brown, relating to the definition of a marginal gas well.

SB 1479 by Madla, relating to deductions from the compensation of county employees for payment to a credit union.

SB 1515 by Turner, Jim, et al., relating to terms of courts and grand juries in Williamson County.

Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, Procedural Subcommittee, originally set for today, has been cancelled until further notice.

HB 73 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 73**.

CSHB 73, A bill to be entitled An Act relating to the fraudulent filing of a financing statement; providing a penalty.

CSHB 73 was read second time and was passed to engrossment.

HB 366 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 366**.

CSHB 366, A bill to be entitled An Act relating to the exemption from ad valorem taxation of income-producing tangible personal property and mineral interests having a value of less than a certain amount.

CSHB 366 was read second time and was passed to engrossment.

SB 128 ON SECOND READING (Greenberg - House Sponsor)

The chair laid before the house, in lieu of **HB 35**, on its second reading and passage to third reading,

SB 128, A bill to be entitled An Act relating to certain evidentiary and procedural privileges and requirements for certain criminal cases.

The bill was read second time.

Amendment No. 1

Representative De La Garza offered the following amendment to the bill:

Amend **SB 128**, in SECTION 1 of the bill, in proposed 23.03, Code of Criminal Procedure, by striking the first sentence within the quotation marks and substituting the following: It is an offense for a person to intentionally influence or coerce a witness to testify falsely or to elude legal process.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative De La Garza offered the following amendment to the bill:

Amend **SB 128**, in section 2 of the bill after the word "child" add "of either spouse"

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Gallego offered the following amendment to the bill:

Amend **SB 128** by striking Section 3 of the bill and substituting the following:

SECTION 3. Section 23.101(a), Government Code, is amended to read as follows:

(a) The trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:

(1) an offense under:

(A) Section 21.11, Penal Code;

(B) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(C) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age; or

(D) Section 25.06, Penal Code;

(2) temporary injunctions;

(3) ~~[(2)]~~ criminal actions, other than those listed by Subdivision (1), with the following actions [criminal actions against defendants who are detained in jail pending trial] given preference over other criminal actions;

(A) criminal actions against defendants who are detained in jail pending trial; and

(B) criminal actions involving a charge that a person committed an act of family violence, as defined by Section 71.01, Family Code;

(4) ~~[(3)]~~ election contests and suits under the Election Code;

(5) ~~[(4)]~~ orders for the protection of the family under Section 3.581, 71.11, or 71.12, Family Code;

(6) ~~[(5)]~~ appeals of final rulings and decisions of the Texas Workers' Compensation Commission and claims under the Federal Employers' Liability Act and the Jones Act;

~~[(6) suits for declaratory judgment under Section 89.085, Natural Resources Code;] and~~

(7) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code.

Amendment No. 3 was adopted without objection.

SB 128, as amended, was passed to third reading.

HB 35 - LAID ON THE TABLE SUBJECT TO CALL

Representative Greenberg moved to lay **HB 35** on the table subject to call.

The motion prevailed without objection.

HB 176 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 176, A bill to be entitled An Act relating to components of net income used in establishing rates of a gas utility.

The bill was read second time and was passed to engrossment. (R. Lewis and Ogden recorded voting no)

HB 699 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 699, A bill to be entitled An Act relating to the eligibility of certain military veterans and other persons with military-related service and survivors of certain military veterans to an exemption from tuition, fees, and charges at a public institution of higher education if the person is in default of an educational loan made under a federal program.

The bill was read second time and was passed to engrossment.

HB 1463 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1463**.

CSHB 1463, A bill to be entitled An Act relating to a lien in favor of a seller of agricultural chemicals, agricultural seeds, or animal feed or of a provider of labor in connection with the agricultural chemicals or agricultural seeds; providing penalties.

CSHB 1463 was read second time and was passed to engrossment.

HB 1324 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1324**.

CSHB 1324, A bill to be entitled An Act relating to the creation of the offense of permitting a child to sell items or services or solicit donations at night.

CSHB 1324 was read second time.

Amendment No. 1

Representative Romo offered the following amendment to **CSHB 1324**:

Amend **CSHB 1324** on page 1, line 3, by striking "at night".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Romo offered the following amendment to **CSHB 1324**:

Amend **CSHB 1324** on Page 1, line 13, between "organization" and ".", by inserting "or a business owned or operated by a parent, conservator, guardian, or other person who has possession of the child under a court order".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Chisum offered the following amendment to **CSHB 1324**:

Amend **CSHB 1324** on page 1, immediately after line 24, by adding the following:

(d) It is an exception to the application of Subsection (a) that the child was selling items or services as a self-employed person with the consent of a parent, conservator, guardian, or other person having possession of the child under a court order.

Amendment No. 3 was adopted without objection.

CSHB 1324, as amended, was passed to engrossment.

HB 2068 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 2068, A bill to be entitled An Act relating to tuition paid by air force personnel for certain courses at Midwestern State University.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Gallego, Representative Hirschi offered the following committee amendment to the bill:

Amend **HB 2068** as follows:

On line 12 after the word "residents" insert "if they began the program while stationed at an Air Force base in Texas."

Amendment No. 1 was adopted without objection.

HB 2068, as amended, was passed to engrossment.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

By Stiles, Price, and Hochberg

HCR 85, Renaming the Hollywood Workcenter as the Ben Rogers Employment Training Facility.

Amendment No. 1

Representative Stiles offered the following amendment to the resolution:

Amend **HCR 85** to read as follows:

CONCURRENT RESOLUTION

WHEREAS, Ben Rogers contributed significantly to the citizens of this state as a business leader and philanthropist who demonstrated an exemplary concern for the well-being of others; and

WHEREAS, As a young man, he settled in Beaumont with his brothers and together they established Texas State Optical; and

WHEREAS, A man of many interests and talents, he also contributed his invaluable expertise to the banking industry and offered wise and thoughtful guidance as an organizer and director of numerous financial institutions in the Beaumont and Houston areas; in recognition of the vast contributions he made to the business community in our state, he was inducted into the prestigious Texas Business Hall of Fame; and

WHEREAS, Mr. Rogers continued to work for the betterment of the Southeast Texas community through his service as president of the Beaumont and Sabine Neches Chambers of Commerce, the Central City Development Corporation, the Beaumont Music Commission, United Appeals, and the Beaumont Optimist Club; in addition, this remarkable gentleman was the founder and president of the Joe Louis International Sports Foundation and, in 1976, helped to raise over half a million dollars for the organization to the benefit of boys' clubs throughout the country; and

WHEREAS, As a result of his leadership, facilities have been provided in Beaumont for Boys Haven, the Minnie Rogers Juvenile Home, the Cerebral Palsy Foundation, United Appeals, the YMCA, the new Art Museum of Southeast Texas, the Babe Zaharias Museum, and the Julie and Ben Rogers Cancer Institute; and

WHEREAS, This dedicated gentleman worked to foster productivity and independence for individuals with mental retardation, and to that end, on July 30, 1979, he donated a building and property to the Beaumont State Center; the building, called the Hollywood Workcenter, is used to provide supportive employment training to individuals at the center; and

WHEREAS, Ben Rogers's remarkable contributions to the quality of life in Southeast Texas survive his death on December 14, 1994, and will continue to have a profound effect on the members of his community, and it is fitting that the Hollywood Workcenter that he helped establish be named in his memory; now, therefore, be it

RESOLVED, That the 74th Legislature of the State of Texas hereby direct that the present Hollywood Workcenter at the Beaumont State Center be named the Ben Rogers Employment Training Facility as a testament to Mr. Rogers's devotion and service to his community; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the executive director of the General Services Commission.

Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By Coleman,

HCR 81, Recognizing Black History Month, February 1995, and providing for a historical volume and Capitol exhibit chronicling the contributions of 19th-century African-American legislators.

The resolution was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, on adjournment today, speakers committee room.

ADJOURNMENT

Representative Price moved that the house adjourn until 2:35 p.m.

The motion prevailed without objection.

The house accordingly, at 2:24 p.m., adjourned until 2:35 p.m.